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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,721	11/09/2001	Naoki Kubo	0378-0385P	5854
2292 7590 02/01/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER	
			ROSARIO, DENNIS	
			ART UNIT	PAPER NUMBER
			2624	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/01/2007.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,721	KUBO, NAOKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis Rosario	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 November 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 and 10-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 10-12 is/are rejected.  
 7) Claim(s) 6 and 13 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment was received on 11/22/2006. Claims 1-6 and 10-13 are pending. Claims 7-9 and 14 are withdrawn.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities:  
  
Claim 3, line 2: "...image data is relates" does not make proper sense and ought to be amended to --image data relates--.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The rejection of claims 3,6 and 13 under 35 USC 112 is withdrawn.

### ***Response to Arguments***

4. Applicant's arguments, page 12, middle paragraph, last line, filed 11/22/2006 have been fully considered but they are not persuasive and states:

"In contrast, the DCT transform is a sort of data compression (orthogonal transform) and NOT the reduction of bit depth."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "reduction of bit depth") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on applicant's remarks, the examiner suggests amending converting to quantizing to clearly define the applicant's invention since quantizing is clearly distinguished from transforming and converting to one of ordinary skill in the art. However, such an amendment would be directed to non-elected group I, claims 7-9 and 14 and result in an election by original presentation, see MPEP 821.03.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US Patent 5,892,847 A).

Regarding claim 1, Johnson discloses a method of processing image data comprising the steps of:

Art Unit: 2624

- a) converting (via fig. 9, numerals 200,198 and unlabeled box between numerals 202 and 200) broad-range image data (fig. 9,num. 190) having a broad dynamic range to narrow-range image data (figures 9 and 10,num. 208) narrower in dynamic range than the broad-range image data (due to quantization);
- b) inversely converting (fig. 10, numerals 209 and 210) the narrow-range image data to thereby output inversely converted image data (fig. 10, num. 211) having a same dynamic range (since the output of fig. 10,num. 211 is a reconstructed version) as the broad-range image data;
- c) calculating difference data (fig. 10,num. 212) representative of a difference between the broad-range image data (figures 9 and 10,num. 190) and the inversely converted image data (fig. 10, num. 211); and
- d) generating a file (fig. 4,num. 104) that relates the difference data (represented in fig. 22b, label "VQ1," under "PANEL 1," which is interpreted to be the claimed difference data since VQ1 is based on a "RESIDUAL" as shown in fig. 11, numerals 212 which in turn is a difference as shown in fig. 10,num. 212 that corresponds to an unlabeled subtraction symbol) to said step of converting (represented in fig. 22b, under "PANEL 1" as "DCT") and the narrow-range image data (represented in fig. 22b as "PANEL 1") to one another (since the claimed difference data, VQ1, and the claimed transform step, DCT, include data that make up the claimed narrow-range image data, PANEL 1, which corresponds to "file segments...at the front of the file" in col. 4, lines 32,33 which corresponds a "good quality miniature" in col. 4, line 37 which is interpreted as the claimed "narrow-range image data").

Regarding claim 2 see fig. 1,numerals 104 and 106.

Regarding claim 3, Johnson discloses the method in accordance with claim 1, wherein the broad-range image data (the output of fig. 9,num. 198) is related to the inversely converted image data (fig. 10, num. 211) in such a manner that the broad-ranged image data (the output of fig. 9,num. 198) can be reproduced (as shown in fig. 34,num. 1003) by adding (via fig. 34,num. 1007) the difference data (fig. 10,num. 212 and represented in fig. 34 as num. 1012) to the inversely converted image data (the output of fig. 34,num. 1008).

Regarding claim 4, Johnson discloses the method in accordance with claim 1, wherein said step of converting (fig. 9, unlabeled box between numerals 202 and 200) comprises:

- a) the sub-step of linearly converting ("linearly quantizing" in col. 28, line 47) a number of quantizing levels of the broad range image data, and
- b) said step of inversely converting comprises:
  - b1) the sub-step of linearly, inversely converting ("linear dequantization" in col. 28, lines 66,67) a number of quantizing levels of the narrow-range image data.

Art Unit: 2624

Regarding claim 5, Jonhson discloses the method in accordance with claim 1, wherein said step of converting (via fig. 9, numerals 200,198 and unlabeled box between numerals 202 and 200) comprises:

a) the sub-step of nonlinearly converting (via fig. 9,num. 198 transforms "each 8 X 8...block" in col. 11, line 49 where the transformation of a 8 X 8 block is interpreted as a non-linear transformation. Since fig. 9,num. 198 transforms a 2-dimensional image and not a 1-dimensional image.) a number of quantizing levels (fig. 9,num. 200) of the broad-range image data (fig. 9,num. 190), and

said step of inversely converting (fig. 10, numerals 209 and 210) comprise:

b) the sub-step of nonlinearly, inversely converting (fig. 10,num. 210 performs the same nonlinear transformation for the same reasons as in claim 5 a), above) a number of quantizing levels (fig. 10,num. 254) of the narrow-range image data (fig. 10,num. 208).

Claims 10,11 and 12 are rejected the same as claims 1,4 and 5. Thus, argument similar to that presented above for claims 1,4 and 5 of a method is equally applicable to claims 10,11 and 12,respectively, of an apparatus.

#### ***Allowable Subject Matter***

7. Claims 6 and 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 6 and 13 are allowable for the same reasons as the office action of 7/24/2006 all of which is incorporated herein.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DR

Dennis Rosario  
Unit 2624

*Matthew C. Bella*

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600